

REMARKS

Applicant thanks the examiner for the indication that the previous objections to the drawings have been withdrawn.

Summary of Substance of Interview

A telephone interview was conducted on January 10, 2006, with the Examiner and the Supervising Examiner. During the interview, Applicant's representative proposed amending claims 1, 11 and 15 to recite that the apparatus would provide "express notification of the expiration of a storage period." The Examiner indicated that these amendments would overcome the current rejections of these claims, subject to the Examiner's review of the currently cited references.

Claim Rejections

Claims 1-19 and 22 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. PG Pub. 2003/0009569 to McIntyre *et al.* ("McIntyre '569"). Applicant has amended independent claims 1, 11 and 15 and traverses the rejection.

As a preliminary matter, it is noted that even without the claim modifications, the claims do describe notification to the user of expiration of a storage period. Claim 11 clearly includes such a description and should be deemed patentable on that basis as the Examiner appears to concede a lack of notification in the references. Claim 1 has been amended for clarity to make explicit what was previously implicit.

Regarding amended independent claim 1, McIntyre '569 does not disclose or suggest at least an image storage expiration determining unit which provides express notification of the

expiration of a storage period, as recited in the amended claim. The Examiner concedes that McIntyre '569 fails to disclose or suggest this feature.

In view of the above, McIntyre '569 does not anticipate the claim therefore claim 1 should be patentable over the prior art. Amended claims 11 and 15 contain features similar to the features recited by claim 1, and therefore are patentable for similar reasons. Claims 2-10, 16-19 and 22, which depend from one of claims 1, 11 and 15, are patentable at least by virtue of their dependency.

Claims 20 and 21 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McIntyre '569 in view of U.S. Pat. No. 7,016,868 to McIntyre *et al.* ("McIntyre '868"). Applicant traverses this rejection.

The combination of McIntyre '569 and McIntyre '868 does not disclose or suggest at least an image storage expiration determining unit which provides express notification of the expiration of a storage period, as incorporated into claims 20 and 21 by virtue of their dependence from claim 1. As established above, McIntyre '569 fails to disclose or suggest these features. McIntyre '868 does not cure the deficiencies of McIntyre '569.

The Examiner relies on McIntyre '868 to allegedly disclose recording the expired image data sets to a portable storage unit, i.e., a compact disk (CD). However, McIntyre '868 does not disclose express notification of the expiration of a storage period and therefore does not cure the above-noted deficiencies of McIntyre '569.


Thus, claims 20 and 21 are patentable over the combination of McIntyre '569 and McIntyre '868.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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